



Attorney's Document No.: 00537-187002 / BPC077

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dong et al.
Serial No. : 09/856,676
Filed : May 24, 2001
Title : GLP-1 ANALOGUES

Art Unit : Unknown
Examiner : Unknown

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION TO WITHDRAW EXAMINER'S HOLDING OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, Applicants hereby petition to withdraw the Examiner's holding of Abandonment as set forth in the Notice of Abandonment mailed November 25, 2003 (copy enclosed) by the United States Patent and Trademark Office ("the Office").

The application was abandoned for Applicants' alleged failure to respond to a Notification of Missing Requirements (mailed January 30, 2002, the "Notification") as required by 35 U.S.C. 371 and 37 C.F.R. 1.495. Applicants were required to provide a copy of the "Sequence Listing" in computer readable form. Responsive to the Notification, Applicants filed (1) a "Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequences," (2) a "Request under 37 C.F.R. 1.821(e) to Transfer Computer Readable Form" (from priority U.S. Application No. 09/206,833), and (3) an initial paper copy of the sequence listing (referred to collectively as the "Response").

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

1-23-04
Cheryl A. Caron
CHERYL A. CARON

The undersigned, Applicant's attorney of record, first became aware of the abandonment upon receipt of the Notice of Abandonment and submits that this petition to withdraw the holding of abandonment is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that a timely Response to the Notification was filed on Monday, April 1, 2002. Applicants note that a one-month petition for extension of time was not required as the expiration of the initial two-month reply period for responding to the Notification (i.e., March 30, 2003) fell on a Saturday. Applicants' Response was filed by Express Mail (Express Mail item number EL485781164US).

1. A copy of the Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequences, including an executed certificate of mailing by Express Mail signed by Leroy Jenkins on April 1, 2002;
2. A copy of the Request under 37 C.F.R. 1.821(e) to Transfer Computer Readable Form, including an executed certificate of mailing by Express Mail signed by Leroy Jenkins on April 1, 2002;
3. A copy of the initial paper copy of the sequence listing;
4. A copy of the Notice of Abandonment mailed November 25, 2003;
5. A copy of the Notification of Missing Requirements; and
6. A copy of an Express Mail Delivery Confirmation Form, confirming receipt of the Response (i.e., EL485781164US) by Mary Boston of the United States Patent and Trademark Office.

Applicants submit herewith this petition to request withdrawal of holding of abandonment on the grounds that the Response to Notification of Missing Requirements was properly and timely filed. Applicants request consideration of this petition as it is being filed within two months of the mail date of the Notice of Abandonment in accordance with 37 C.F.R. 1.181(f) and MPEP § 711.03(c).

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Please apply any other charges or credits to Deposit Account No. 06-1050, referencing
Attorney Docket No. 00537-187002.

Respectfully submitted,

Date: 1-23-04

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